

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
MONDAY, FEBRUARY 9, 2004**

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**SPECIAL ORDERS OF BUSINESS**

ITEM-S400: Honoring the City Auditor and Comptroller, Ed Ryan, on his retirement.

ITEM-S401: Montford Point Marine Association, Inc. Day.

**COUNCILMEMBER LEWIS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-848 Cor. Copy)

Recognizing Montford Point Marine Association, Inc., San Diego Chapter 12 in honor of Black History Month;

Proclaiming February 9, 2004, to be "Montford Point Marine Association, Inc. Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-S402: Live and Let Live Alano Club 20<sup>th</sup> Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-843)

Recognizing the 20<sup>th</sup> anniversary of the Live and Let Live Alano Club, and commending them for their outstanding work in support and on behalf of San Diego's lesbian, gay, bisexual, and transgender (LGBT) recovery community;

Proclaiming January 31, 2004, to be "Live and Let Live Alano Club 20<sup>th</sup> Anniversary Day" in the City of San Diego.

\* ITEM-S403: San Diego Fire-Rescue Department Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-853)

Declaring February 11, 2004 to be "San Diego Fire-Rescue Department Day" in recognition of their outstanding service to the Scripps Ranch community and the people of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S404: San Diego Police Department Day.

**COUNCILMEMBER MAIENSCHEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-852)

Declaring February 12, 2004 to be "San Diego Police Department Day" in recognition of their outstanding service to the Scripps Ranch community and the people of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S405: Amendment to Agreement with Procopio, Cory, Hargreaves, & Savitch, LLP  
Regarding the Renegotiation Provisions of the 1995 Agreement for the Partial  
Use and Occupancy of Qualcomm Stadium Between the City and the San Diego  
Chargers.

(Mission Valley Community Area. District-6.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-788)

Authorizing the City Attorney to execute an amendment to the retention agreement with Procopio, Cory, Hargreaves, & Savitch, LLP the (Firm) for an additional amount not to exceed \$500,000, for a total contract amount not to exceed \$1.3 million;

Authorizing the expenditure of an amount not to exceed \$500,000 from Fund 81140, Dept. 81140, Org. No. 3502, Object Account 4141, Job Order 811401 for the purpose of providing funds for the above project.

**SUPPORTING INFORMATION:**

This action will amend the existing agreement between the City of San Diego and Procopio, Cory, Hargreaves, & Savitch for legal services related to the renegotiation provisions of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City and the San Diego Chargers (Agreement). An initial contract amount, not to exceed \$100,000, was authorized by the City Manager in March 2003, and additional amounts, not to exceed a total of \$700,000, were authorized by the City Council. Additional services are now required due to the filing of litigation regarding the matter (Chargers v. City of San Diego), and an additional amount not to exceed \$500,000 is now necessary and appropriate to continue providing the necessary legal services relating to the Agreement. The proposed amendment will bring the total contract to an amount not to exceed \$1.3 million.

Uberuaga/Gwinn/LG

Aud. Cert. 2400740.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S406: Authorizing Payment of Funds Held in Trust by the City of San Diego Family Justice Center Foundation.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-854)

Authorizing the City Auditor and Comptroller to make payment in an amount not to exceed \$127,639.69 from Fund No. 10153, Dept. No. 10153, Org. No. 2003, Acct. No. 4279, and Job Order No. 010153, to the San Diego Family Justice Center Foundation.

**SUPPORTING INFORMATION:**

The City Attorney is requesting Council authorization to transfer monies currently being held in trust by the City of San Diego to the San Diego Family Justice Center Foundation. The San Diego Family Justice Center is a public/private partnership which houses the City Attorney's Domestic Violence Unit, the San Diego Police Department's Domestic Violence Unit and 24 public and private non-profit agencies providing services to victims of family violence and their children. In October, 2002, the City of San Diego served as the non-profit entity to receive funds for a future capital and development campaign for the San Diego Family Justice Center. The Center, at the time, had not non-profit status and their Foundation was in the planning stages. Now, the Center has created a nonprofit 501 (c)(3) corporation to oversee the capital and development campaign for the future development of a permanent home for the Family Justice Center.

The City has been holding monies of approximately \$127,639.69 in trust for the Justice Center since October, 2002 while awaiting creation of the Foundation. The Foundation is now fully operational and raising funds and capital for Camp Hope and the San Diego Family Justice Center.

Duvernay

Aud. Cert. 2400771.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S407: Shaw Valley Hiking/Equestrian Trail – Additional Funding.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-855)

Authorizing the City Manager to transfer \$60,000 from Fund No. 79008, Carmel Valley FBA, to CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail;

Authorizing the City Manager to increase the Fiscal Year 2004 Capital Improvements Program budget by appropriating \$60,000 into CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail;

Authorizing the City Auditor and Comptroller to expend \$60,000 from Fund No. 79008, Carmel Valley FBA, CIP-52-659.0, Shaw Valley Hiking/Equestrian Trail, for the purpose of construction, and related administrative costs, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The Shaw Valley Hiking/Equestrian Trail Project was first envisioned by the Carmel Valley community back in 1975, along with several other trails, to provide a pleasant, inviting and permanent trail system throughout Los Penasquitos Canyon. This project abandoned and restored the existing substandard trail to a more suitable location further down the slope located approximately 0.6 miles south of SR-56 just east of Carmel County Road. The new trail meets City design standards to ensure a pleasant experience for the many horse riders within the community.

The Shaw Valley Trail now connects the Carmel Valley Creek Restoration and Enhancement Project (CVREP) trail and the Neighborhood 8 trail with a trail being planned by Pardee in the eastern portion of Neighborhood 10. It will also provide a connection to the trails in Los Penasquitos Canyon via another bridge undercrossing at Carmel Mountain Road.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S407: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The project was publicly bid and awarded to Kirk Paving, Inc. in 2003 for \$200,026. The additional requested money of \$60,000 is needed to fund construction work of unforeseen site conditions as well as community requests not originally budgeted, such as turnarounds, landscaping, and trail tread. Construction work is near completion.

**FISCAL IMPACT:**

Funding for this action of \$60,000 is available in Fund 79008, Carmel Valley FBA.

Loveland/Belock/PB

Aud. Cert. 2400768.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S408: Grant Application and Transfer Funds – Balboa Park Aerospace Museum Roof Repair.

(Balboa Park Community Area. District-3.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-395)

Authorizing the City Manager to apply to the California State Park Bond 2000 Per Capita Grant (CSPB) for the Balboa Park Aerospace Museum Roof Repair (Project);

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the CSPB's grant requirements;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend the Grant if it is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant;

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$120,000 to the FY 04 Capital Improvement Program Budget, CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair;

Authorizing the City Auditor and Comptroller to transfer \$30,000 from CIP-21-863.0, Balboa Park Improvements and Matching Funds, No. 102341, to CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-21-862.0, Balboa Park Aerospace Museum Roof Repair, upon receipt of a fully executed grant agreement.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S408: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The California voters approved the 2000 Park Bond in March 2000, allocating Per Capita funding to the City of San Diego. The City entered into Contract #C2003401 with the State of California for Per Capita Grant Funding under the California Safe Neighborhood Parks, Clean Water, Clean Air, and coastal Protection Act of 2000. This action authorizes the City Manager to secure Park Bond Per Capita funding and transfer Balboa Park Improvements & Matching Funds to the Balboa Park Aerospace Museum Roof Repair Capital Improvement Project.

The mission of the San Diego Aerospace Museum, a non-profit institution, is to provide a public, educational, scientific and cultural institution devoted to the history of aviation and space flight. The San Diego Aerospace Museum was the first aviation museum to be accredited by the American Association of Museums, and continues to be one of the top five aviation and space museums in the nation. Currently, the museum's roof is severely worn and allows the percolation of rain water to the building's interior, causing unappealing water damage to walls and ceilings and posing threats to museum exhibits and library archives.

**FISCAL IMPACT:**

The estimated project cost of the Aerospace Museum is \$340,000, of which \$190,000 has been previously approved. The balance of the project funding, \$30,000 from Balboa Park Improvements and Matching Funds and \$120,000 from the 2000 Park Bond Per Capita funding, will be added to the CIP with this action.

Herring/Oppenheim/AP

Aud. Cert. 2400679.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S409: Award of Construction Contract with Echo Pacific Construction for the Construction of the Otay Mesa/Nestor Branch Library; and HUD 108 Loan Application.

(Otay Mesa/Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-826)

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder for an amount not to exceed \$3,600,351, for the construction of the Otay Mesa/Nestor Branch Library, CIP-35-087.0 (Project);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from CIP-35-100.0, Ocean Beach Branch Library, Interim Fund No. 102216, Main Library Funds, and \$500,000 from CIP-35-088.0, San Carlos Branch Library, to CIP-35-087.0, Otay Mesa/Nestor Branch Library;

Authorizing the additional expenditure of an amount not to exceed \$1,500,000 from CIP-35-087.0, Otay Mesa/Nestor Branch Library, for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to replenish the transferred funds: \$750,000 into CIP-35-100.0, Ocean Beach Branch Library, when the HUD 108 loan is received; and \$250,000 into CIP-35-100.0, Ocean Beach Branch Library and \$500,000 into CIP-35-088.0, San Carlos Branch Library, when the first library bond issuance occurs;

Authorizing the City Manager to apply to the Department of Housing and Urban Development for a HUD Section 108 loan for \$750,000 for the Otay Mesa/Nestor Branch Library and set forth the legal authority and certifications necessary for such an application;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S409: (Continued)

Authorizing the City Manager to accept such funds; expend such funds contingent on receipt of an Auditor's Certificate to do so; conduct all negotiations related to the loan; and execute and submit all documents related to the processing of such a loan;

Authorizing the City Manager to use District Eighth's future CDBG entitlement grants to make loan repayments over 20 years;

Authorizing the City Manager to amend the 2004 CDBG Action Plan to include the use of HUD 108 funds, for the Otay Mesa/Nestor Branch Library Project;

Authorizing the City Manager to pledge the City's future annual CDBG entitlement grants as additional security and the Otay Mesa/Nestor Branch Library as collateral for the HUD loan;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Otay Nestor Branch Library located at 3003 Coronado Avenue, was built in 1985. The project consists of renovation and repair of the existing 10,000 sq. ft. library and the design and construction of a 5,000 sq. ft. expansion that will accommodate the additional program requirements for the facility, and to provide the required space to serve this growing community. On January 14, 2004, two bids were received and opened for the project construction. The lowest responsible bidder is Echo Pacific Construction, with a bid of \$3,600,351, which is higher than the engineer's estimate of \$2,600,000.

In recent months the City has encountered significant construction cost escalations due to higher material and labor costs and a tight local market. Due to these factors, it is not anticipated that re-advertisement will result in any savings to the City and may in fact cost more to build this project. Therefore, staff recommends that this project be awarded to the apparent low bidder, Echo Pacific Construction, for the amount of \$3,600,351.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S409: (Continued)

**FISCAL IMPACT:**

The total project cost is estimated at \$4,663,500, of which \$3,163,500 has been previously authorized. \$1,500,000 is available and will be transferred from Ocean Beach Branch Library, \$1,000,000, CIP-35-1 00.0 and from San Carlos Branch Library, \$500,000, CIP-35-088.0. These funds will be replenished with receipts of HUD Loan proceeds and when the first library bond issuance occurs. Although the exact interest rate on the HUD loan will not be known until the date of the public offering, it can be estimated that for a \$750,000 loan, the repayment of principal and interest over 20 years would be about \$1.2 million dollars, requiring an annual payment of approximately \$60,000. Council District 8 has indicated a willingness to repay this loan with future CDBG entitlement allocations, starting in FY 2005 even with this loan the City will be within the borrowing limit established by the City Council. Our portfolio includes approved loans totaling about \$14.1 million which may be drawn down over the next several years and there are three loans, totaling about \$2.5 million in process. If all the pending loans, including this proposed loan for the Otay Mesa/Nestor Branch Library were to be funded this year, the City's debt would be approximately \$50.3 million.

Loveland/Belock/AO

Aud. Cert. 2400758.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-S410: Update on City Response to Military Base Realignment and Closure (BRAC).

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-850)

Accepting the Governmental Relations Department's Status Report on Military Base Realignment and Closure (BRAC) dated January 30, 2004.